

# UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

May 01, 2020

SEAN F. MCAVOY, CLERK

U.S.A. vs. Arias-De Jesus, Dimas Docket No. 0980 2:19CR00156-001

## Petition for Action on Conditions of Pretrial Release

COMES NOW Curtis G. Hare, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Dimas Arias-De Jesus, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge John T. Rodgers sitting in the court at Yakima, Washington, on the 15<sup>th</sup> day of October 2019, under the following conditions:

Condition #3 (ECF No. 56): Defendant shall submit to a substance abuse evaluation and undergo any recommended substance abuse treatment as directed by the United States Probation/Pretrial Services Office. Prior to commencing any evaluation or treatment program, Defendant shall provide waivers of confidentiality permitting the United States Probation Office and the treatment provider to exchange, in any form and at any time, any and all diagnostic information, treatment recommendation information, or compliance reports, or records related to Defendant's conditions of release and supervision, and evaluation, treatment and performance in the program. It shall be the responsibility of defense counsel to provide such waivers.

Condition #5 (ECF No. 56): Defendant shall appear at all proceedings related to his outstanding matter in Adams County.

Standard Condition #6: Defendant shall report to the United States Probation Office before or immediately after release and shall report as often as they direct, at such times and in such manner as they direct.

### RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach.)

**Violation #3:** It is alleged that Dimas Arias-De Jesus violated the conditions of his release by failing to make his weekly telephone report to the probation officer on April 20 and 27, 2020. Mr. Arias further failed to respond to instructions to contact the probation officer on April 16, 24 and 27, 2020.

On October 17, 2019, the probation officer reviewed the conditions of release with Mr. Arias. The defendant stated that he understood the conditions and signed a copy of them. He was also provided a copy of the release conditions.

On April 16, 2020, a probation officer left a message on the defendant's cell phone directing him to contact the probation officer. The probation officer also spoke with the defendant's wife and asked her to relay the same message. After Mr. Arias did not respond to the message, a probation officer again called the defendant's telephone and left another message. That officer again spoke with Mr. Arias' wife who indicated that she had passed on the message to Mr. Arias. She agreed to give the defendant another message. On April 27, 2020, this officer called and sent text messages to Mr. Arias' cell phone with instructions to contact this officer. This officer also spoke with Mr. Arias' Federal Defender on April 29, 2020, for assistance in reaching the defendant. As of April 30, 2020, Mr. Arias has failed to respond.

Mr. Arias was instructed to report to the probation office by telephone every Monday. The defendant failed to make the his required telephone reports to the probation office on April 20 and 27, 2020.

**Violation #4:** It is alleged that Dimas Arias-De Jesus failed to appear to Adams Superior Court, docket number 19-1-00135-01, as directed by the probation officer to address the outstanding warrant, as of April 20, 2020.

**Re: Arias-De Jesus, Dimas****May 1, 2020****Page 2**

On March 20, 2020, the Court imposed a condition which required Mr. Arias to appear at all proceedings relating to his outstanding matter in Adams County. Mr. Arias was present at the hearing.

On March 24, 2020, Mr. Arias left a voice message stating that he was checking in. On March 30, 2020, the probation officer learned the Adams Superior Court warrant in docket number 19-1-00135-01, was still active. According to information received from the U.S. Marshals Service, Adams County Sheriff's Office failed to respond to the notice provided by the Benton County Jail and Mr. Arias was released. On April 2, 2020, this officer spoke with Mr. Arias by telephone and directed him to report to either Adams Superior Court or the Adams County Sheriff's Office to have the warrant addressed. As of April 30, 2020, the warrant remains active.

**Violation # 5:** It is alleged that Dimas Arias-De Jesus failed to obtain a substance abuse assessment as of April 30, 2020.

On March 20, 2020, the Court imposed a condition which requires Mr. Arias to undergo a substance abuse assessment and any recommended treatment as directed by the probation officer. Mr. Arias was present at the hearing.

On April 16, 24 and 27, 2020, probation officers left messages for Mr. Arias directing him to contact the probation office for directions to receive the required substance abuse assessment. As of April 30, 2020, Mr. Arias has not responded to the probation officers and has not provided documentation of the substance abuse assessment completion.

PRAYING THAT THE COURT WILL INCORPORATE THE ABOVE VIOLATION WITH VIOLATION(S)  
PREVIOUSLY REPORTED TO THE COURT

I declare under the penalty of perjury  
that the foregoing is true and correct.

Executed on: May 1, 2020

by s/Curtis G. Hare

Curtis G. Hare  
U.S. Pretrial Services Officer

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## THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this  
petition with the other violations pending before the  
Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other

  
Signature of Judicial Officer

May 1, 2020